

**8852. Adulteration and misbranding of Orange Jooj. U. S. \* \* \* v. The Orange Julep Co., alias Orange Smile Sirup Co., a Corporation. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 11207. I. S. Nos. 6129-r, 6142-r, 6237-r, 6687-r.)**

On April 21, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Orange Julep Co., alias Orange Smile Sirup Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 7, 1918, and November 4, 1918, from the State of Missouri into the State of Louisiana, and on or about November 27, 1918, from the State of Missouri into the States of Tennessee and Illinois, respectively, of quantities of Orange Jooj, which was adulterated and misbranded. The article was labeled in part, "Sirup Manufactured by The Orange Julep Co., St. Louis, Mo."

Analyses of samples by the Bureau of Chemistry of this department showed that the article in the Louisiana shipments was an artificially colored, orange-flavored, cane sugar and commercial glucose sirup preserved with salicylic and benzoic acids and containing little or no orange juice. and that the article in the Tennessee and Illinois shipments was an artificially colored, orange-flavored, cane sugar sirup, containing little or no orange juice.

Adulteration of the article was alleged in the information for the reason that substances composed principally, in the Louisiana shipments, of sugar, glucose, water, salicylic acid, benzoic acid, and artificial coloring matter, and in the Tennessee and Illinois shipments, of sugar, water, benzoic acid, and artificial coloring matter, had been substituted for orange juice sirup, which the article purported to be, and for the further reason that it had been colored in a manner whereby inferiority was concealed. Adulteration of the article in the Louisiana shipments was alleged for the further reason that it contained an added deleterious ingredient which might have rendered it injurious to health.

Misbranding was alleged for the reason that the following statements appearing on the said label, to wit, "Orange Julep Sirup," "Orange Julep," "Johnstone's Orange Jooj," "Juleped Oranges," "It's Cloudy," "That's the Fruit," "Jooj," and "Abbreviation of Johnstone's Original Orange Julep," together with the device of oranges and orange branches on the label, were false and misleading in that they represented to purchasers that the article was an orange juice sirup and was made of oranges, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article was an orange juice sirup and was made of oranges, whereas, in fact and in truth, it was not an orange juice sirup and was not made of oranges, but was a substance consisting principally, in the case of the Louisiana shipments, of cane sugar, glucose, water, artificial coloring, salicylic and benzoic acids, flavored with orange flavoring, and in the case of the remaining shipments, of cane sugar, water, artificial coloring, and benzoic acid, flavored with orange flavoring, and containing little, if any, orange.

On November 12, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**8853. Misbranding of Valesco. U. S. \* \* \* v. 41 Bottles, 9 Bottles, and 36 Bottles of Valesco. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11517, 11653, 11850. I. S. Nos. 7219-r, 8546-r, 9126-r. S. Nos. C-1597, C-1620, C-1663.)**

On November 21, December 6, and December 30, 1919, respectively, the United States attorney for the Southern District of Iowa, acting upon a report by the